

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION,

THIS DOCUMENT RELATES TO THE MASTER
CONSOLIDATED CLASS ACTION,

MDL No. 1456

Civil Action No. 01-12257-PBS

**NON-PARTY NEIGHBORHOOD HEALTH PLAN, INC.’S MOTION
FOR LEAVE TO FILE SUPPLEMENTAL AFFIDAVIT
IN SUPPORT OF MOTION FOR PROTECTIVE ORDER AND
TO QUASH SUBPOENA FROM DEFENDANT DEY, INC.**

Pursuant to Local Rule 7.1(B)(3), now comes non-party Neighborhood Health Plan, Inc. (“NHP”), and requests leave to file the Supplemental Affidavit of Pamela Siren in Support of its Motion for Protective Order and to Quash Subpoena from Dey, Inc. The purpose of the Supplemental Affidavit is to address Dey, Inc.’s allegations that the so-called “Narrowed Drug List” and “Narrowed [Document] Requests” sent to NHP only after NHP was forced to go to the time and expense of filing its Motion for Protective Order and to Quash, should negate or alleviate NHP’s concerns and arguments as to the undue burdens imposed upon NHP by the discovery sought by Dey, Inc.

Respectfully submitted,

Neighborhood Health Plan, Inc.,

By its Attorneys,

/s/Susan Hughes Banning

Susan Hughes Banning

BBO #028640

HEMENWAY & BARNES

60 State Street

Boston, MA 02109

(617) 227-7940

Dated: January 27, 2006

CERTIFICATE OF SERVICE

I, Susan Hughes Banning, counsel to nonparty Neighborhood Health Plan, Inc., hereby certify that on January 27, 2006, I caused copies of Non-Party Neighborhood Health Plan, Inc.'s Motion for Leave to File Supplemental Affidavits in Support of Motion for Protective Order and to Quash Subpoena from Defendant Dey, Inc. and Supplemental Affidavit of Pamela Siren to be served electronically on counsel of record.

/s/Susan Hughes Banning

Susan Hughes Banning